## UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY

IN RE VALSARTAN, LOSARTAN, AND IRBESARTAN PRODUCTS LIABILITY LITIGATION

THIS DOCUMENT RELATES TO ALL CASES

**MDL No. 2875** 

HON. ROBERT B. KUGLER CIVIL NO. 19-2875 (RBK)

**Redacted Version** 

# PLAINTIFFS' REPLY MEMORANDUM IN FURTHER SUPPORT OF DAUBERT MOTION TO PRECLUDE OPINIONS OF DEFENSE EXPERT ROGER WILLIAMS, M.D.

KANNER & WHITELEY, LLC 701 Camp St. New Orleans, LA 70130

On the Brief: David J. Stanoch, Esq. Document 2361 84881

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#### TABLE OF CONTENTS

I.	INTRODUCTION		1
II.	ARGUMENT		2
A.	Dr. Williams'	Should Be Precluded	2
B.	Dr. Williams Cannot Opine on		
			.6
III.	CONCLUSION		7

#### TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>In re Mirena IUD Prods. Liab. Litig.</i> , 169 F. Supp. 3d 396 (S.D.N.Y. 2016)	6
Kruszka v. Novartis Pharm. Corp., 28 F. Supp. 3d 920 (D. Minn. 2014)	6
Wolfe v. McNeil-PPC, Inc., 881 F. Supp. 2d 650 (E.D. Pa. 2012)	6

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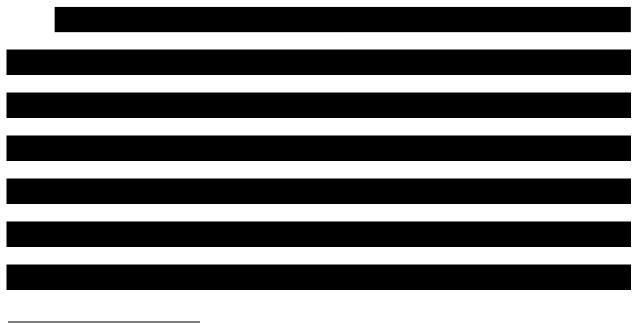
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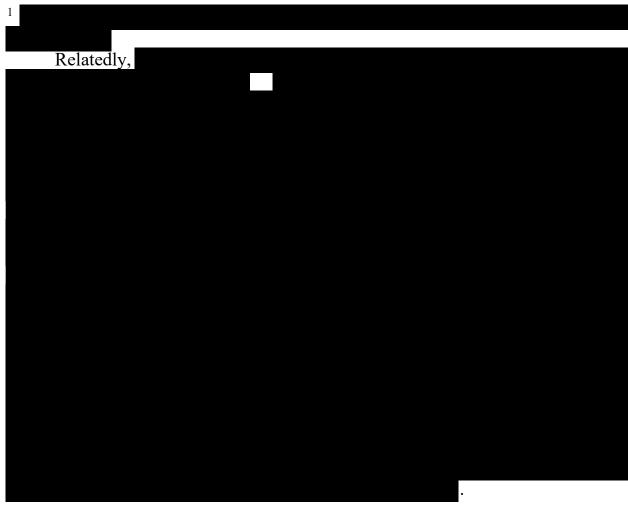
### I. <u>INTRODUCTION</u>

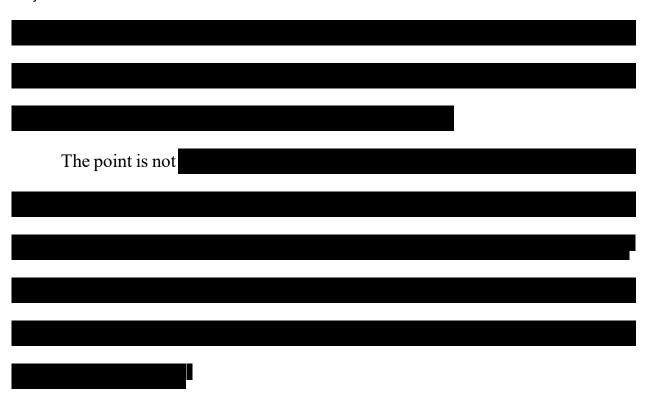
	Teva	a's F	Respoi	nse (EC	CF 233	36) to	Plaint	tiffs'	Dau	ber	t chall	leng	e to	Dr. Wi	lliams
(ECF	229:	5) c	onfirn	ns Dr.	Willi	iams'	flawe	ed							
									. T	his	opini	ion	is	legally	and
metho	odolo	gica	ılly ina	admiss	ible.										
	As F	Plain	itiffs'	motion	nrevi	iously	z exnla	aineo	1						
	7151	Iuii	Itilis	шопол	i provi	lously	СКРГ	<i>i</i> 111100	*,						
	As	to	Dr.	Willia	ams'	conj	ectura	ıl c	pinio	ons					

in their opening brief, again at page 7:

Contains Confidential Material Subject to Protective Order Teva agrees with this, too: Thus, there is no dispute that Dr. Williams believes Plaintiffs' opening brief thoroughly explained why









	В.	Dr.	Williams	Cannot	O	pine	on
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Pl	aintiffs'	opening	brief cata	logued 1	the num	erous sp	eculative	opinions	
Те	eva's on	lv respon	se is that						

An expert cannot opine "as to the state of mind of the FDA." *In re Mirena IUD Prods. Liab. Litig.*, 169 F. Supp. 3d 396, 466 (S.D.N.Y. 2016); *Kruszka v. Novartis Pharm. Corp.*, 28 F. Supp. 3d 920, 931 (D. Minn. 2014) ("[The experts] may not proffer an opinion relating to what individuals ... with the FDA thought with respect to certain documents or about their motivations."); *Wolfe v. McNeil–PPC, Inc.*, 881 F. Supp. 2d 650, 662 (E.D. Pa. 2012) (experts "will not be permitted to testify at trial with respect to the state of mind of defendants or the FDA"). The Court should preclude Dr. Williams from offering unreliable, unhelpful,

speculative	opinions	about			

#### III. **CONCLUSION**

For the foregoing reasons, as well as those set forth in Plaintiffs' opening memorandum, Dr. Williams should be precluded from

Respectfully,

ON BEHALF OF PLAINTIFFS

By: /s/ David J. Stanoch David J. Stanoch KANNER & WHITELEY, L.L.C. 701 Camp St. New Orleans, LA 70130 (504) 524-5777 (t) (504) 524-5763 (f) d.stanoch@kanner-law.com

Dated: April 25, 2023

#### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on April 25, 2023, a true and correct redacted copy of the foregoing was filed and served via the court's CM/ECF system, and an unredacted version was served on the court and the Defense Executive Committee via email.

/s/ David J. Stanoch
David J. Stanoch